

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001

)
) No. 03 MDL 1570 (GBD/FM)
) ECF Case
)

**Unopposed Motion for Leave to File Sur-Reply Brief
in Support of
Defendant Al Haramain Islamic Foundation, Inc. (USA)’s
Opposition to Plaintiffs’ Fee Petition**

Defendant Al Haramain Islamic Foundation, Inc. (USA), through undersigned counsel, respectfully submits its Unopposed Motion for Leave to File Sur-Reply Brief in Support of its Opposition to Plaintiffs’ Fee Petition.

When plaintiffs sought additional time for their reply brief in support of their fee petition, plaintiffs’ counsel claimed that they needed additional time to “analyze the time entries” and “get revised numbers that would take into account [defendant’s] arguments.” *See* R. Haefele email to A. Kabat (Feb. 21, 2014) (attached as Exhibit 1 to Sur-Reply). Undersigned counsel consented to the requested relief, “provided that plaintiffs do not oppose our seeking leave to file a sur-reply brief to address whatever proposals you make in the reply brief.” *See* A. Kabat email to R. Haefele & S. Carter (Feb. 24, 2014) (attached as Exhibit 1 to Sur-Reply).

Plaintiffs consented to the requested relief. *See* R. Haefele letter to Judge Maas (Feb. 24, 2014) (ECF No. 2838) (“To the extent that the sur-reply were to address only new proposals raised in the reply, plaintiffs would not oppose such an application.”). Since plaintiffs’ Reply Brief also contained new legal argument not included in their opening brief, the Sur-Reply also necessarily addresses those new legal arguments.

The proposed Sur-Reply is attached hereto, and it addresses the new arguments and issues raised in Plaintiffs’ Reply Brief.

Therefore, Defendant respectfully requests that this Court grant leave to file the attached Unopposed Sur-Reply Brief.

Respectfully submitted,

/s/ Lynne Bernabei

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DATED: March 18, 2014

CERTIFICATE OF SERVICE

I hereby certify that on March 18, 2014, I caused the foregoing Unopposed Motion for Leave to File Sur-Reply Brief to be served electronically on counsel of record by the Court's Electronic Case Filing (ECF) System, pursuant to ¶ 9(a) of Case Management Order No. 2 (June 16, 2004).

/s/ Alan R. Kabat

Alan R. Kabat